

ESTTA Tracking number: **ESTTA334073**Filing date: **02/25/2010**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**Petition for Cancellation**

Notice is hereby given that the following party requests to cancel indicated registration.

**Petitioner Information**

Name	Natalia Lazarus		
Entity	Individual	Citizenship	UNITED STATES
Address	5740 Calpine Drive Malibu, CA 90265 UNITED STATES		

Correspondence information	Michael A. Painter, Esq. Isaacman, Kaufman & Painter 10250 Constellation Boulevard Suite 2900 Los Angeles, CA 90067 UNITED STATES painter@ikplaw.com Phone:310-881-6800
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**Registration Subject to Cancellation**

Registration No	3484540	Registration date	08/12/2008
Registrant	Dusa, Piero 1453 Third St Promenade Gateway, Apt 608 Santa Monica, CA 90401 UNITED STATES		

**Goods/Services Subject to Cancellation**

Class 041. First Use: 1998/03/02 First Use In Commerce: 1998/09/01

All goods and services in the class are cancelled, namely: Conducting workshops and seminars in personal awareness; Conducting workshops and seminars in self awareness; Conducting workshops and seminars in Acting, Performing, and personal growth; Consultancy in the field of learning difficulties; Developing educational manuals for others in the field of Acting, Performing, and personal growth; Development and dissemination of educational materials of others in the field of Acting, Performing, and personal growth; Educating at university or colleges; Education in the field of Acting, Performing, and personal growth rendered through correspondence courses; Education in the field of Acting, Performing, and personal growth rendered through video conference; Education in the fields of Acting, Performing, and personal growth rendered through correspondence courses; Education information; Education services in the nature of courses at the university level; Education services, namely, mentoring in the field of Acting, Performing, and personal growth; Education services, namely, one-on-one mentoring in the field of Acting, Performing, and personal growth; Education services, namely, one-on-one mentoring in the fields of Acting, Performing, and personal growth; Education services, namely, providing classes, seminars, workshops, tutoring, and mentoring in the field of middle and high school reform; Education services, namely, providing live and on-line classes, seminars, workshops, courses in the field of Acting, Performing, and personal growth; Education services, namely, providing tutorial sessions in the field(s) of Acting, Performing, and personal growth; Education services, namely, providing tutorial sessions in the fields of Acting, Performing, and personal growth; Education services, namely, providing tutoring in the field of Acting, Performing, and personal growth; Education services, namely, providing tutoring in the fields of Acting, Performing, and personal growth; Education services, namely, providing classes, seminars, workshops, courses in the field of Acting, Performing, and personal growth; Education services,

namely, providing classes, seminars, workshops, courses in the fields of Acting, Performing, and personal growth; Educational and entertainment services, namely, a continuing program about Acting, Performing, and personal growth accessible by radio, television, satellite, audio, video and computer networks; Educational and entertainment services, namely, providing motivational and educational speakers; Educational and entertainment services, namely, providing motivational and educational speakers in the field of self- and personal improvement; Educational assessment; Educational course monitoring, namely, tracking student performance; Educational demonstrations; Educational services, namely, conducting distance learning instruction at the secondary, college and graduate levels; Educational services, namely, conducting informal on-line programs in the fields of Acting, Performing, and personal growth, and printable materials distributed therewith; Educational services, namely, conducting informal programs in the fields of Acting, Performing, and personal growth, using on-line activities and interactive exhibits, and printable materials distributed therewith; Educational services, namely, conducting on-line exhibitions and displays and interactive exhibits in the field of Acting, Performing, and personal growth; Educational services, namely, conducting programs in the field of Acting, Performing, and personal growth; Educational services, namely, conducting classes, seminars, workshops, courses in the field of Acting, Performing, and personal growth and distribution of course material in connection therewith; Educational services, namely, developing curriculum for others in the field of Acting, Performing, and personal growth; Educational services, namely, developing, arranging, and conducting educational conferences and programs and providing courses of instruction in the field of Acting, Performing, and personal growth; Educational services, namely, providing courses of instruction at the vocational, post secondary level; Educational services, namely, providing courses of instruction at the vocational, post secondary level and distribution of course material in connection on therewith; Educational services, namely, providing internships and apprenticeships in the field of Acting, Performing, and personal growth; Educational services, namely, providing classes, seminars, workshops, courses in the fields of Acting, Performing, and personal growth; Educational services, namely, conducting classes, seminars, workshops, courses in the field of Acting, Performing, and personal growth; Electronic publishing services, namely, publication of text and graphic works of others on CD, DVD, or online featuring Acting, Performing, and personal growth; Entertainment in the nature of on-going television programs in the field of Acting, Performing, and personal growth; Entertainment in the nature of theater productions; Entertainment information; Entertainment services in the nature of an on-going reality based television program; Entertainment services in the nature of on-going television programs in the field of children's entertainment; Entertainment services, namely, providing a web site featuring photographic, audio, video and prose presentations featuring Acting, Performing, and personal growth; Entertainment services, namely, an on-going series featuring Acting, Performing, and personal growth provided through cable television, webcasts, radio broadcasts; Entertainment services, namely, personal appearances by a movie star or other celebrity; Entertainment services, namely, providing a radio program in the field of Acting, Performing, and personal growth via a global computer network; Entertainment services, namely, providing a television program in the field of Acting, Performing, and personal growth via a global computer network; Entertainment, namely, production of television shows, plays; Entertainment services, namely, providing webcasts in the field of Acting, Performing, and personal growth; Information about education; Information in the field of parenting concerning entertainment of children; Information on education; Instruction in the field of Acting, Performing, and personal growth; Life coaching services in the field of Acting, Performing, and personal growth; Media production services, namely, video and film production; Meeting and seminar arranging; On-line journals, namely, blogs featuring Acting, Performing, and personal growth; Online electronic publishing of books and periodicals; Personal coaching services in the field of Acting, Performing, and personal growth; Production of DVDs, videotapes and television programs featuring Acting, Performing, and personal growth; Production of cable television programs; Production of film studies; Production of films; Production of radio and television programmes; Production of video and computer game software; Production of video and creation of visual effects for others for use in DVDs, television programs and on web sites; Production of video discs and tapes; Professional coaching services in the field of Acting, Performing, and personal growth; Providing a web site that features informal instruction on Acting, Performing, and personal growth; Providing a web site where users can post ratings, reviews and recommendations on events and activities in the field of entertainment and education; Providing advice and information in the field of educational and entertainment activities and events for children; Providing continuing legal education courses; Providing courses of instruction at the vocational, post secondary level; Providing educational mentoring services and programs in the field of Acting, Performing, and personal growth; Providing information and articles in the field of film, filmmaking, and entertainment via a global

computer network; Providing information and news in the field of teaching methodology and education; Providing information, news and commentary in the field of entertainment; Providing newsletters in the field of Acting, Performing, and personal growth via e-mail; Providing on-line resource guides for relatives concerning children in the fields of education, recreation, and entertainment; Providing on-line training classes, seminars, workshops, courses in the field of Acting, Performing, and personal growth; Providing voice overs for tapes, records and other recorded media; Publication of books; Publication of books, magazines, almanacs and journals; Publication of printed matter; Publication and editing of printed matter; Publication of books, of magazines, of journals, of newspapers, of periodicals, of catalogs, of brochures; Publication of brochures; Publication of electronic magazines; Publication of electronic newspapers accessible via a global computer network; Publication of journals; Publication of leaflets; Publication of magazines; Publication of manuals; Publication of text books; Publication of texts, books, journals; Publication of texts, books, magazines and other printed matter; Publication of the editorial content of sites accessible via a global computer network; Publication of books, magazines; Publishing of books, magazines; Publishing of electronic publications; Script writing services; Script writing services; Teaching in the field of Acting, Performing, and personal growth; Teleprompting services provided to film and television and corporate public speaking; Training courses in strategic planning relating to advertising, promotion, marketing and business; Videotaping legal depositions; Vocational education in the field of Acting, Performing, and personal growth; Vocational education in the fields of Acting, Performing, and personal growth; Vocational guidance; Workshops and seminars in the field of Acting, Performing, and personal growth; Writing of articles for journals other than for advertising or publicity; Writing of articles for periodicals other than for advertising or publicity; Writing of articles for professional journals other than for advertising or publicity

## Grounds for Cancellation

<i>Torres v. Cantine Torresella S.r.l.Fraud</i>	808 F.2d 46, 1 USPQ2d 1483 (Fed. Cir. 1986)
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Attachments	DOC631.10.pdf ( 13 pages )(779539 bytes )
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## Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Michael A. Painter/
Name	Michael A. Painter, Esq.
Date	02/25/2010

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

NATALIA LAZARUS, an	)	
individual,	)	
	)	
Petitioner,	)	Cancellation No.
	)	Registration No. 3,484,540
vs.	)	Dated: August 12, 2008
	)	
PIERO DUSA, an	)	
individual,	)	
	)	
Registrant.	)	
_____	)	

**PETITION FOR CANCELLATION**

BOX FEE - TTAB  
Commissioner of Trademarks  
P.O. Box 1451  
Alexandria, Virginia 22313-1451

Sir:

Petitioner, NATALIA LAZARUS, is an individual residing in Santa Monica, California. Petitioner believes she will be damaged by Registration No. 3,484,540 and hereby petitions to cancel same. The Registrant's application was filed on January 14, 2008 for the mark CHARACTER PREFERENCE in International Class 41 to identify the services attached hereto as Exhibit A.

The grounds for cancellation are as follows:

1. The Petitioner, NATALIA LAZARUS, is engaged in the business of conducting workshops and seminars relating to acting, performing and other fields in the performing arts.

2. Prior to January 1, 1997, Registrant owned and operated a business identified as Piero Dusa Acting Conservatory, a Delaware corporation, for the purpose of providing instruction for actors pertaining to acting.

3. On or about January 1, 1997, Petitioner purchased from Registrant all rights, title and interest in and to Piero Dusa Acting Conservatory, a Delaware corporation.

4. Subsequent to January 1, 1997, Petitioner, as its sole owner, operated Piero Dusa Acting Conservatory for the purpose of conducting workshops and seminars to produce instruction in the fields of acting and performing. Subsequent to January 1, 1997, Petitioner was employed by Piero Dusa Acting Conservatory as the program director and curriculum specialist; Registrant was employed as the artistic and marketing director of the company.

5. In or about January, 1998, Petitioner hired Mr. William Stierle for the purpose of developing course material for programs to be conducted by Piero Dusa Acting Conservatory for the purpose of instructing members of the performing arts, including actors, writers and directors.

6. In early 1998, through the joint efforts of Petitioner, Registrant and William Stierle, the trademark CHARACTER PREFERENCE was selected and adopted to identify goods and services identified in Exhibit B hereto that were to be sold to the public by Piero Dusa Acting Conservatory. In or about January, 1998, Piero Dusa Acting Conservatory first used the CHARACTER PREFERENCE mark to identify workshops and seminars relating to instruction

in the fields of acting and performing. In the fall of 1998, Piero Dusa Acting Conservatory first used the CHARACTER PREFERENCE mark in commerce to identify goods and/or services identified in Exhibit B. Subsequent to January 1, 1997, the CHARACTER PREFERENCE mark and all of the good will pertaining thereto was wholly owned by Piero Dusa Acting Conservatory and all use of the CHARACTER PREFERENCE mark inured solely to the benefit of the Piero Dusa Acting Conservatory.

7. On or about January 26, 2004, Petitioner and Piero Dusa Acting Conservatory commenced doing business under the fictitious name and style Promenade Acting Conservatory.

8. On or about December 19, 2005, Registrant was terminated as an employee of the Piero Dusa Acting Conservatory dba Promenade Acting Conservatory. At no time between the selection and adoption of the CHARACTER PREFERENCE mark in January, 1998 and his date of termination by Piero Dusa Acting Conservatory dba Promenade Acting Conservatory on December 19, 2005 did Registrant own any interest whatsoever either in the CHARACTER PREFERENCE mark or Piero Dusa Acting Conservatory or its successor-in-interest.

9. On or about June 1, 2006, Petitioner organized a California corporation identified as Promenade Conservatory, Inc. for the purpose of conducting the business previously conducted by Piero Dusa Acting Conservatory dba Promenade Acting Conservatory, including the use and distribution of all goods and services identified by the CHARACTER PREFERENCE mark. All assets were assigned by Piero Dusa Acting Conservatory dba Promenade Acting Conservatory to Promenade Conservatory, Inc., including but not limited to the CHARACTER PREFERENCE trademark and service mark and all of the good will

associated therewith. On or about June 19, 2006, Piero Dusa Acting Conservatory was dissolved.

10. On or about May 23, 2009, Promenade Conservatory, Inc. assigned to Petitioner all rights, title and interest owned by Promenade Conservatory, Inc. in the claims to copyright, trademarks and all intellectual property owned by Promenade Conservatory, Inc., including the CHARACTER PREFERENCE trademark and service mark and all of the good will associated therewith. Subsequent to the assignment to Petitioner, Promenade Conservatory, Inc. continued to use the assigned intellectual property pursuant to a license granted by Petitioner. Petitioner and her predecessors-in-interest have continuously used the CHARACTER PREFERENCE mark from January, 1998 to the present.

11. On January 2, 2009, Petitioner filed Application Serial No. 77/642,766 for the mark CHARACTER PREFERENCE to identify the goods and services identified in Exhibit B. In an Office Action issued March 20, 2009, Petitioner's mark was refused registration on the ground there was a likelihood of confusion with the mark that was the subject of Registration No. 3,484,540 owned by the Registrant. At no time prior to receipt of the Office Action issued March 20, 2009 did Petitioner have any knowledge whatsoever that Registrant had sought and obtained registration of the CHARACTER PREFERENCE service mark owned by Petitioner.

12. Registration No. 3,484,540 was obtained fraudulently in that the date of first use alleged by Registrant was, in fact, the date of first use of the CHARACTER PREFERENCE service mark by the Piero Dusa Acting Conservatory, a corporation owned by Petitioner. The allegations of use contained in Registrant's application for registration of the CHARACTER PREFERENCE service mark were false and were made with the intent to induce authorized

agents of the United States Patent and Trademark Office to grant said registration. Reasonably relying upon the truth of the false allegations of use made by Registrant, the United States Patent and Trademark Office did, in fact, grant registration of the CHARACTER PREFERENCE mark.

13. Petition has been and will continue to be damaged by the issuance and existence of Registration No. 3,484,540 issued to the Registrant in that Petitioner will be denied the right to register the service mark which rightfully belongs to Petitioner. Unless cancelled, Registrant will persist to assert the registration or, at the very least, the registration will remain as a cloud on Petitioner's legal right to continue to use the CHARACTER PREFERENCE service mark.

**WHEREFORE**, Petitioner respectfully prays that the Petition for Cancellation be sustained and the registration obtained by Registrant be cancelled.

The requisite filing fee is enclosed herewith.

Please address all correspondence to MICHAEL A. PAINTER, ESQ. of ISAACMAN, KAUFMAN & PAINTER, A Professional Corporation, with offices at 8484 Wilshire Boulevard, Suite 850, Beverly Hills, California 90211 (323) 782-7700.

Respectfully submitted,

ISAACMAN, KAUFMAN & PAINTER  
A Professional Corporation

By: \_\_\_\_\_

Michael A. Painter

MAP:src  
Attachments  
Dated: February 25, 2010  
8484 Wilshire Boulevard, Suite 850  
Beverly Hills, California 90211  
(323) 782-7700



PROOF OF SERVICE

The undersigned declares under the penalty of perjury the within PETITION FOR CANCELLATION was forwarded to the Registrant, PIERO DUSA, 1453 Third Street Promenade Gateway, Apartment 608, Santa Monica, California 90401, via first class mail, postage prepaid, this 25<sup>th</sup> day of February, 2010.

  
SHERYL R. CONAWAY

# Exhibit A

Int. Cl.: 41

Prior U.S. Cls.: 100, 101 and 107

United States Patent and Trademark Office

Reg. No. 3,484,540

Registered Aug. 12, 2008

**SERVICE MARK  
PRINCIPAL REGISTER**

**CHARACTER PREFERENCE**

DUSA, PIERO (ITALY INDIVIDUAL)  
1453 THIRD ST PROMENADE GATEWAY, APT 608  
SANTA MONICA, CA 90401

FOR: CONDUCTING WORKSHOPS AND SEMINARS IN PERSONAL AWARENESS; CONDUCTING WORKSHOPS AND SEMINARS IN SELF AWARENESS; CONDUCTING WORKSHOPS AND SEMINARS IN ACTING, PERFORMING, AND PERSONAL GROWTH; CONSULTANCY IN THE FIELD OF LEARNING DIFFICULTIES; DEVELOPING EDUCATIONAL MANUALS FOR OTHERS IN THE FIELD OF ACTING, PERFORMING, AND PERSONAL GROWTH; DEVELOPMENT AND DISSEMINATION OF EDUCATIONAL MATERIALS OF OTHERS IN THE FIELD OF ACTING, PERFORMING, AND PERSONAL GROWTH; EDUCATING AT UNIVERSITY OR COLLEGES; EDUCATION IN THE FIELD OF ACTING, PERFORMING, AND PERSONAL GROWTH RENDERED THROUGH CORRESPONDENCE COURSES; EDUCATION IN THE FIELD OF ACTING, PERFORMING, AND PERSONAL GROWTH RENDERED THROUGH VIDEO CONFERENCE; EDUCATION IN THE FIELDS OF ACTING, PERFORMING, AND PERSONAL GROWTH RENDERED THROUGH CORRESPONDENCE COURSES; EDUCATION INFORMATION; EDUCATION SERVICES IN THE NATURE OF COURSES AT THE UNIVERSITY LEVEL; EDUCATION SERVICES, NAMELY, MENTORING IN THE FIELD OF ACTING, PERFORMING, AND PERSONAL GROWTH; EDUCATION SERVICES, NAMELY, ONE-ON-ONE MENTORING IN THE FIELD OF ACTING, PERFORMING, AND PERSONAL GROWTH; EDUCATION SERVICES, NAMELY, ONE-ON-ONE MENTORING IN THE FIELDS OF ACTING, PERFORMING, AND PERSONAL GROWTH; EDUCATION SERVICES, NAMELY, PROVIDING CLASSES, SEMINARS, WORKSHOPS, TUTORING, AND MENTORING IN THE FIELD OF MIDDLE AND HIGH SCHOOL REFORM; EDUCATION SERVICES, NAMELY, PROVIDING LIVE AND ON-LINE CLASSES, SEMINARS, WORKSHOPS,

COURSES IN THE FIELD OF ACTING, PERFORMING, AND PERSONAL GROWTH; EDUCATION SERVICES, NAMELY, PROVIDING TUTORIAL SESSIONS IN THE FIELD(S) OF ACTING, PERFORMING, AND PERSONAL GROWTH; EDUCATION SERVICES, NAMELY, PROVIDING TUTORIAL SESSIONS IN THE FIELDS OF ACTING, PERFORMING, AND PERSONAL GROWTH; EDUCATION SERVICES, NAMELY, PROVIDING TUTORING IN THE FIELD OF ACTING, PERFORMING, AND PERSONAL GROWTH; EDUCATION SERVICES, NAMELY, PROVIDING TUTORING IN THE FIELDS OF ACTING, PERFORMING, AND PERSONAL GROWTH; EDUCATION SERVICES, NAMELY, PROVIDING CLASSES, SEMINARS, WORKSHOPS, COURSES IN THE FIELD OF ACTING, PERFORMING, AND PERSONAL GROWTH; EDUCATION SERVICES, NAMELY, PROVIDING CLASSES, SEMINARS, WORKSHOPS, COURSES IN THE FIELDS OF ACTING, PERFORMING, AND PERSONAL GROWTH; EDUCATIONAL AND ENTERTAINMENT SERVICES, NAMELY, A CONTINUING PROGRAM ABOUT ACTING, PERFORMING, AND PERSONAL GROWTH ACCESSIBLE BY RADIO, TELEVISION, SATELLITE, AUDIO, VIDEO AND COMPUTER NETWORKS; EDUCATIONAL AND ENTERTAINMENT SERVICES, NAMELY, PROVIDING MOTIVATIONAL AND EDUCATIONAL SPEAKERS; EDUCATIONAL AND ENTERTAINMENT SERVICES, NAMELY, PROVIDING MOTIVATIONAL AND EDUCATIONAL SPEAKERS IN THE FIELD OF SELF- AND PERSONAL IMPROVEMENT; EDUCATIONAL ASSESSMENT; EDUCATIONAL COURSE MONITORING, NAMELY, TRACKING STUDENT PERFORMANCE; EDUCATIONAL DEMONSTRATIONS; EDUCATIONAL SERVICES, NAMELY, CONDUCTING DISTANCE LEARNING INSTRUCTION AT THE SECONDARY, COLLEGE AND GRADUATE LEVELS; EDUCATIONAL SERVICES, NAMELY, CONDUCTING INFORMAL ON-LINE PROGRAMS IN THE FIELDS OF ACTING, PERFORMING, AND PERSONAL GROWTH, AND PRINTABLE MATERIALS DISTRIBUTED THERE-

WITH; EDUCATIONAL SERVICES, NAMELY, CONDUCTING INFORMAL PROGRAMS IN THE FIELDS OF ACTING, PERFORMING, AND PERSONAL GROWTH, USING ON-LINE ACTIVITIES AND INTERACTIVE EXHIBITS, AND PRINTABLE MATERIALS DISTRIBUTED THEREWITH; EDUCATIONAL SERVICES, NAMELY, CONDUCTING ON-LINE EXHIBITIONS AND DISPLAYS AND INTERACTIVE EXHIBITS IN THE FIELD OF ACTING, PERFORMING, AND PERSONAL GROWTH; EDUCATIONAL SERVICES, NAMELY, CONDUCTING PROGRAMS IN THE FIELD OF ACTING, PERFORMING, AND PERSONAL GROWTH; EDUCATIONAL SERVICES, NAMELY, CONDUCTING CLASSES, SEMINARS, WORKSHOPS, COURSES IN THE FIELD OF ACTING, PERFORMING, AND PERSONAL GROWTH AND DISTRIBUTION OF COURSE MATERIAL IN CONNECTION THEREWITH; EDUCATIONAL SERVICES, NAMELY, DEVELOPING CURRICULUM FOR OTHERS IN THE FIELD OF ACTING, PERFORMING, AND PERSONAL GROWTH; EDUCATIONAL SERVICES, NAMELY, DEVELOPING, ARRANGING, AND CONDUCTING EDUCATIONAL CONFERENCES AND PROGRAMS AND PROVIDING COURSES OF INSTRUCTION IN THE FIELD OF ACTING, PERFORMING, AND PERSONAL GROWTH; EDUCATIONAL SERVICES, NAMELY, PROVIDING COURSES OF INSTRUCTION AT THE VOCATIONAL, POST SECONDARY LEVEL; EDUCATIONAL SERVICES, NAMELY, PROVIDING COURSES OF INSTRUCTION AT THE VOCATIONAL, POST SECONDARY LEVEL AND DISTRIBUTION OF COURSE MATERIAL IN CONNECTION THEREWITH; EDUCATIONAL SERVICES, NAMELY, PROVIDING INTERNSHIPS AND APPRENTICESHIPS IN THE FIELD OF ACTING, PERFORMING, AND PERSONAL GROWTH; EDUCATIONAL SERVICES, NAMELY, PROVIDING CLASSES, SEMINARS, WORKSHOPS, COURSES IN THE FIELDS OF ACTING, PERFORMING, AND PERSONAL GROWTH; EDUCATIONAL SERVICES, NAMELY, CONDUCTING CLASSES, SEMINARS, WORKSHOPS, COURSES IN THE FIELD OF ACTING, PERFORMING, AND PERSONAL GROWTH; ELECTRONIC PUBLISHING SERVICES, NAMELY, PUBLICATION OF TEXT AND GRAPHIC WORKS OF OTHERS ON CD, DVD, OR ONLINE FEATURING ACTING, PERFORMING, AND PERSONAL GROWTH; ENTERTAINMENT IN THE NATURE OF ON-GOING TELEVISION PROGRAMS IN THE FIELD OF ACTING, PERFORMING, AND PERSONAL GROWTH; ENTERTAINMENT IN THE NATURE OF THEATER PRODUCTIONS; ENTERTAINMENT INFORMATION; ENTERTAINMENT SERVICES IN THE NATURE OF AN ONGOING REALITY BASED TELEVISION PROGRAM; ENTERTAINMENT SERVICES IN THE NATURE OF ON-GOING TELEVISION PROGRAMS IN THE FIELD OF CHILDREN'S ENTERTAINMENT; ENTERTAINMENT SERVICES, NAMELY, PROVIDING A WEB SITE FEATURING PHOTOGRAPHIC, AUDIO, VIDEO AND PROSE PRESENTATIONS FEATURING ACTING, PERFORMING, AND PERSONAL GROWTH; ENTERTAINMENT SERVICES, NAMELY, AN ON-GOING SERIES FEATURING ACTING, PERFORMING, AND PERSONAL

GROWTH PROVIDED THROUGH CABLE TELEVISION, WEBCASTS, RADIO BROADCASTS; ENTERTAINMENT SERVICES, NAMELY, PERSONAL APPEARANCES BY A MOVIE STAR OR OTHER CELEBRITY; ENTERTAINMENT SERVICES, NAMELY, PROVIDING A RADIO PROGRAM IN THE FIELD OF ACTING, PERFORMING, AND PERSONAL GROWTH VIA A GLOBAL COMPUTER NETWORK; ENTERTAINMENT SERVICES, NAMELY, PROVIDING A TELEVISION PROGRAM IN THE FIELD OF ACTING, PERFORMING, AND PERSONAL GROWTH VIA A GLOBAL COMPUTER NETWORK; ENTERTAINMENT, NAMELY, PRODUCTION OF TELEVISION SHOWS, PLAYS; ENTERTAINMENT SERVICES, NAMELY, PROVIDING WEBCASTS IN THE FIELD OF ACTING, PERFORMING, AND PERSONAL GROWTH; INFORMATION ABOUT EDUCATION; INFORMATION IN THE FIELD OF PARENTING CONCERNING ENTERTAINMENT OF CHILDREN; INFORMATION ON EDUCATION; INSTRUCTION IN THE FIELD OF ACTING, PERFORMING, AND PERSONAL GROWTH; LIFE COACHING SERVICES IN THE FIELD OF ACTING, PERFORMING, AND PERSONAL GROWTH; MEDIA PRODUCTION SERVICES, NAMELY, VIDEO AND FILM PRODUCTION; MEETING AND SEMINAR ARRANGING; ON-LINE JOURNALS, NAMELY, BLOGS FEATURING ACTING, PERFORMING, AND PERSONAL GROWTH; ONLINE ELECTRONIC PUBLISHING OF BOOKS AND PERIODICALS; PERSONAL COACHING SERVICES IN THE FIELD OF ACTING, PERFORMING, AND PERSONAL GROWTH; PRODUCTION OF DVDS, VIDEOTAPES AND TELEVISION PROGRAMS FEATURING ACTING, PERFORMING, AND PERSONAL GROWTH; PRODUCTION OF CABLE TELEVISION PROGRAMS; PRODUCTION OF FILM STUDIES; PRODUCTION OF FILMS; PRODUCTION OF RADIO AND TELEVISION PROGRAMMES; PRODUCTION OF VIDEO AND COMPUTER GAME SOFTWARE; PRODUCTION OF VIDEO AND CREATION OF VISUAL EFFECTS FOR OTHERS FOR USE IN DVDS, TELEVISION PROGRAMS AND ON WEB SITES; PRODUCTION OF VIDEO DISCS AND TAPES; PROFESSIONAL COACHING SERVICES IN THE FIELD OF ACTING, PERFORMING, AND PERSONAL GROWTH; PROVIDING A WEB SITE THAT FEATURES INFORMAL INSTRUCTION ON ACTING, PERFORMING, AND PERSONAL GROWTH; PROVIDING A WEB SITE WHERE USERS CAN POST RATINGS, REVIEWS AND RECOMMENDATIONS ON EVENTS AND ACTIVITIES IN THE FIELD OF ENTERTAINMENT AND EDUCATION; PROVIDING ADVICE AND INFORMATION IN THE FIELD OF EDUCATIONAL AND ENTERTAINMENT ACTIVITIES AND EVENTS FOR CHILDREN; PROVIDING CONTINUING LEGAL EDUCATION COURSES; PROVIDING COURSES OF INSTRUCTION AT THE VOCATIONAL, POST SECONDARY LEVEL; PROVIDING EDUCATIONAL MENTORING SERVICES AND PROGRAMS IN THE FIELD OF ACTING, PERFORMING, AND PERSONAL GROWTH; PROVIDING INFORMATION AND ARTICLES IN THE FIELD OF FILM, FILMMAKING, AND ENTERTAINMENT VIA A GLOBAL COMPUTER NETWORK; PROVIDING INFORMATION AND NEWS

IN THE FIELD OF TEACHING METHODOLOGY AND EDUCATION; PROVIDING INFORMATION, NEWS AND COMMENTARY IN THE FIELD OF ENTERTAINMENT; PROVIDING NEWSLETTERS IN THE FIELD OF ACTING, PERFORMING, AND PERSONAL GROWTH VIA E-MAIL; PROVIDING ON-LINE RESOURCE GUIDES FOR RELATIVES CONCERNING CHILDREN IN THE FIELDS OF EDUCATION, RECREATION, AND ENTERTAINMENT; PROVIDING ON-LINE TRAINING CLASSES, SEMINARS, WORKSHOPS, COURSES IN THE FIELD OF ACTING, PERFORMING, AND PERSONAL GROWTH; PROVIDING VOICE OVERS FOR TAPES, RECORDS AND OTHER RECORDED MEDIA; PUBLICATION OF BOOKS; PUBLICATION OF BOOKS, MAGAZINES, ALMANACS AND JOURNALS; PUBLICATION OF PRINTED MATTER; PUBLICATION AND EDITING OF PRINTED MATTER; PUBLICATION OF BOOKS, OF MAGAZINES, OF JOURNALS, OF NEWSPAPERS, OF PERIODICALS, OF CATALOGS, OF BROCHURES; PUBLICATION OF BROCHURES; PUBLICATION OF ELECTRONIC MAGAZINES; PUBLICATION OF ELECTRONIC NEWSPAPERS ACCESSIBLE VIA A GLOBAL COMPUTER NETWORK; PUBLICATION OF JOURNALS; PUBLICATION OF LEAFLETS; PUBLICATION OF MAGAZINES; PUBLICATION OF MANUALS; PUBLICATION OF TEXT BOOKS; PUBLICATION OF TEXTS, BOOKS, JOURNALS; PUBLICATION OF TEXTS, BOOKS, MAGAZINES AND OTHER PRINTED MATTER; PUBLICATION OF THE EDITORIAL CONTENT OF SITES ACCESSIBLE VIA A GLOBAL COMPUTER NETWORK; PUBLICATION OF BOOKS, MAGAZINES; PUBLISHING OF BOOKS, MAGAZINES; PUBLISHING OF ELECTRONIC PUBLICATIONS; SCRIPT WRITING SERVICES; SCRIPT WRITING SERVICES; TEACHING IN THE FIELD

OF ACTING, PERFORMING, AND PERSONAL GROWTH; TELEPROMPTING SERVICES PROVIDED TO FILM AND TELEVISION AND CORPORATE PUBLIC SPEAKING; TRAINING COURSES IN STRATEGIC PLANNING RELATING TO ADVERTISING, PROMOTION, MARKETING AND BUSINESS; VIDEOTAPING LEGAL DEPOSITIONS; VOCATIONAL EDUCATION IN THE FIELD OF ACTING, PERFORMING, AND PERSONAL GROWTH; VOCATIONAL EDUCATION IN THE FIELDS OF ACTING, PERFORMING, AND PERSONAL GROWTH; VOCATIONAL GUIDANCE; WORKSHOPS AND SEMINARS IN THE FIELD OF ACTING, PERFORMING, AND PERSONAL GROWTH; WRITING OF ARTICLES FOR JOURNALS OTHER THAN FOR ADVERTISING OR PUBLICITY; WRITING OF ARTICLES FOR PERIODICALS OTHER THAN FOR ADVERTISING OR PUBLICITY; WRITING OF ARTICLES FOR PROFESSIONAL JOURNALS OTHER THAN FOR ADVERTISING OR PUBLICITY, IN CLASS 41 (U.S. CLS. 100, 101 AND 107).

FIRST USE 3-2-1998; IN COMMERCE 9-1-1998.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "CHARACTER", APART FROM THE MARK AS SHOWN.

SER. NO. 77-370,506, FILED 1-14-2008.

JAMES LOVELACE, EXAMINING ATTORNEY

# EXHIBIT B

#### International Class: 016

Educational books featuring Acting, Writing, Directing, Human Behavior, Corporate Management of Human Resources; Educational publications, namely, educational learning cards, flash cards, activity cards, workbooks, textbooks, activity books, story books, puzzle books, printed puzzles, teacher guides, manuals, posters and educational booklets in the field of Acting, Writing, Directing, Human Behavior, Corporate Management of Human Resources Tools and Techniques; Educational publications, namely, training manuals in the field of Acting, Writing, Directing, Human Behavior, Corporate Management of Human Resources; Educational publications, namely, Acting, Writing, Directing, Human Behavior, Corporate Management of Human Resources Tools and Techniques in the fields of Acting, Writing, Directing, Human Behavior, Corporate Management of Human Resources; Packaged kits comprising printed instructional, educational, and teaching materials for educational activities in the field of Acting, Writing, Directing, Human Behavior, Corporate Management of Human Resources; Printed educational materials in the field of Acting, Writing, Directing, Human Behavior, Corporate Management of Human Resources; Printed instructional, educational, and teaching materials in the field of Acting, Writing, Directing, Human Behavior, Corporate Management of Human Resources; Resource books in the field of Acting, Writing, Directing, Human Behavior, Corporate Management of Human Resources; Three dimensional models for educational purposes

#### International Class: 041

Arranging and conducting educational conferences; Arranging professional workshop and training courses; Continuing education services, namely, providing live and on-line continuing professional education seminars in the field of Acting, Writing, Directing, Human Behavior, Corporate Management of Human Resources; Educating at senior high schools; Educating at university or colleges; Education in the field of Acting, Writing, Directing, Human Behavior, Corporate Management of Human Resources rendered through correspondence courses; Education in the field of Acting, Writing, Directing, Human Behavior, Corporate Management of Human Resources rendered through video conference; Education in the fields of Acting, Writing, Directing, Human Behavior, Corporate Management of Human Resources rendered through correspondence courses; Education information; Education services in the nature of courses at the university level; Education services, namely, providing live and on-line classes, seminars, workshops in the field of Acting, Writing, Directing, Human Behavior, Corporate Management of Human Resources; Education services, namely, providing mentoring, tutoring, classes, seminars and workshops in the field of Acting, Writing, Directing, Human Behavior, Corporate Management of Human Resources; Education services, namely, providing classes, seminars, workshops in the field of Acting, Writing, Directing, Human Behavior, Corporate Management of Human Resources; Educational and entertainment services, namely, a continuing program about Acting, Writing, Directing, Human Behavior, Corporate Management of Human Resources accessible by radio, television, satellite, audio, video and computer networks; Educational and entertainment services, namely, providing motivational and educational speakers; Educational and entertainment services, namely, providing motivational and educational speakers in the field

of self- and personal improvement; Educational and entertainment services, namely, providing motivational speaking services in the field of Acting, Writing, Directing, Human Behavior, Corporate Management of Human Resources; Educational demonstrations; Educational services in the nature of Acting, Writing, Directing schools; Educational services, namely, conducting distance learning instruction at the secondary, college and graduate levels; Educational services, namely, conducting distance learning instruction at the university level; Educational services, namely, conducting informal on-line programs in the fields of Acting, Writing, Directing, Human Behavior, Corporate Management of Human Resources, and printable materials distributed therewith; Educational services, namely, conducting informal programs in the fields of Acting, Writing, Directing, Human Behavior, Corporate Management of Human Resources, using on-line activities and interactive exhibits, and printable materials distributed therewith; Educational services, namely, conducting programs in the field of Acting, Writing, Directing, Human Behavior, Corporate Management of Human Resources; Educational services, namely, conducting seminars, lectures, teleseminars, teleclasses, and workshops in personal awareness; Educational services, namely, conducting classes, seminars, workshops in the field of Acting, Writing, Directing, Human Behavior, Corporate Management of Human Resources and distribution of course material in connection therewith; Educational services, namely, developing, arranging, and conducting educational conferences and programs and providing courses of instruction in the field of Acting, Writing, Directing, Human Behavior, Corporate Management of Human Resources; Educational services, namely, providing continuing professional education courses in the field of Acting, Writing, Directing, Human Behavior, Corporate Management of Human Resources; Educational services, namely, providing courses of instruction at the secondary, college level; Educational services, namely, providing courses of instruction at the secondary, college level and distribution of course material in connection therewith; Educational services, namely, providing classes, workshops, seminars in the fields of Acting, Writing, Directing, Human Behavior, Corporate Management of Human Resources; Educational services, namely, conducting classes, workshops, seminars in the field of Acting, Writing, Directing, Human Behavior, Corporate Management of Human Resources; Entertainment and educational services, namely, providing advice and information for music, video and film concept and script development; Providing continuing business education courses; Providing courses of instruction at the secondary, college level; Providing on-line training courses, seminars, workshops in the field of Acting, Writing, Directing, Human Behavior, Corporate Management of Human Resources; Training services in the field of Acting, Writing, Directing, Human Behavior, Corporate Management of Human Resources; Vocational education in the field of Acting, Writing, Directing, Human Behavior, Corporate Management of Human Resources